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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,081	08/06/2003	Thomas M. Argentieri	AM100632D1	7223
25291	7590	01/18/2005	EXAMINER	
WYETH PATENT LAW GROUP 5 GIRALDA FARMS MADISON, NJ 07940			SPIVACK, PHYLLIS G	
			ART UNIT	PAPER NUMBER
			1614	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

011205

DATE MAILED:

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Commissioner for Patents

The Amendment filed October 25, 2004 broadens the subject matter presented at the time of the First Action, April 22, 2004. The originally claimed subject matter as recited in claim 1 was drawn to gastric hypermotility. The present amendment to claim 1 changes the methods to treatment or inhibition of "a gastrointestinal condition". Although some of the recited conditions of claim 1 are clearly characterized by gastric hypermotility, such as Crohn's disease, colitis or diarrhea, others are not, or may or may not be characterized by gastric hypermotility. Subsequent to the amendment of claim 1, further search and additional considerations are required. Accordingly, the Amendment filed October 25, 2004 is nonresponsive. (MPEP 821.03).

Applicants are given a ONE MONTH time limit or until the expiration of the response period set forth in the last Office Action, whichever is longer, to complete the response. **NO EXTENSION OF THIS TIME LIMIT WILL BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b)** but the period for response set in the last Office Action may be extended up to maximum of SIX MONTHS. Newly submitted claims 9-13 are directed to an invention that is independent or distinct from the invention originally claimed because the original subject matter, methods of treating or inhibiting hyperactive gastric motility, represents distinct subject matter from methods of inhibiting or controlling anal incontinence or defecation.

Since Applicants have received an Action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 9-13 are withdrawn from consideration by the Examiner as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP 821.03

Phyllis Spivack
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PRIMARY EXAMINER

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1614
571-272-0585
12 January 2005